

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC., and)	
ROSE ACRE FARMS, INC.)	
)	
Defendants.)	

PLAINTIFFS' RESPONSE REGARDING DRAFT JURY INSTRUCTIONS

Plaintiffs respond to the draft jury instructions the Court's staff provided to the parties by email at 7:48 P.M., as supplemented by the Court's email at 9:28 P.M. on November 15, 2023.

Plaintiffs respectfully object to the language beginning with the paragraph that starts "To determine whether" on page 38 through the final bullet point on page 39, for the reasons stated in court. As an alternative to striking that language, Plaintiffs have suggested edits to establish that these lines relate to substitutability from the buyer's perspective.

Plaintiffs agree with the language the Court proposed in its 9:28 P.M. email regarding the Motive instruction on page 43. Plaintiffs have included the Court's language in the attached draft instructions.

Plaintiffs suggest minor edits to the Court's proposed draft instructions. These suggested edits are shown as "track changes", in the attached Exhibit A.

November 16, 2023

Respectfully submitted.

***Counsel for Plaintiffs Kraft Foods Global,
Inc., General Mills, Inc., Nestlè USA, Inc. and
The Kellogg Company***

/s/ Brandon D. Fox

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